

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

February 5, 2008

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:03 a.m. on February 5, 2008.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Michael Christoffersen
Michael Corey
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
David Hannum, Chairman
John Hawkins
M. Burke Jones

Commissioners not present at the Commission meeting:

Kevin Goeden, representing the Commissioner, Department of Labor
Jay Gore
Ted Ogle
James Ridley

- (b) The following departmental and support staff were present during the meeting:

Support Services Division, Legal and Code Services
Mara Snyder, Director, Legal and Code Services
William Teegarden, Executive Administrative Law Judge
John Haines, Code Specialist
John Hibner, Code Specialist
Raleigh Kouns, Code Specialist
Bob Robinson, Code Specialist
Beth Sutor, Secretary

2. **Old Business.**

Before beginning the meeting, Chairman Hannum recognized Commissioner Diana Brenner for receiving the President's Award from the American Institute of Architects.

Chairman Hannum then called for any corrections or a motion to approve the minutes of the January 3, 2008 meeting as distributed. Commissioner Brenner noted that variance 08-01-31 had been omitted from the listing of block voted variances and that she had abstained from voting on it. A correction of Item 29 on page 6 was called out by Commissioner Hawkins. His abstention on the vote for variance 08-01-27(a)(b)(c) had not been noted. A motion to approve the minutes as corrected was made by Commissioner Christoffersen and seconded by Commissioner Cundiff. It was voted upon and carried.

3. **Ordinances.**

Shelley Wakefield, Director of Fire and Building Code Enforcement, introduced Building Code Ordinance No. 3-2007 and Unsafe Building Ordinance No. 4-2007 of Greens Fork, Indiana, and Building Ordinance No. 4-2007 of Van Buren, Indiana for consideration, recommending approval. Commissioner Jones moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

4. **Variances.**

Tabled Variances.

Variance 07-11-34 K & M Holdings, Lebanon was withdrawn by the proponent. A request to table variance 07-12-20(d) Indiana Convention Center Expansion, Indianapolis, was made by the proponent while exiting from the rooms is worked out. Commissioner Corey moved to table with the second by Commissioner Jones. It was voted upon and carried. Variance 08-01-14 Castle South Middle School, Newburgh, was represented by Ed Rensink, RTM Consultants. Additional information regarding the flow calculations and a letter from a structural engineer about roof calculations based on snow load had been included in the mailing to the Commissioners. Following discussion, Commissioner Hawkins moved to deny with the second by Commissioner Christoffersen. It was voted upon and carried.

Regular Variances.

Variance 08-02-32 Baekgaard LTD New Facility, Roanoke, was called out for individual consideration. Commissioner Hawkins abstained from voting on Variance 08-02-1, City Services Complex Building 3, Jeffersonville. Commissioner Jones made the motion to approve the following variances with an "A" or "B" review rating by staff with the second being made by Commissioner Corey. It was voted upon and carried.

The following variances were approved as submitted:

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|------|---------------|---|
| (1) | 08-02-1 | City Services Complex Building 3, Jeffersonville |
| (2) | 08-02-2 | Indianapolis City Market Second Floor Addition, Indianapolis |
| (3) | 08-02-3 | Wal-Mart Store #3781, Indianapolis |
| (4) | 08-02-4 | Wayne T. & Mary T. Hockmeyer Hall of Structural Biology, West Lafayette |
| (5) | 08-02-6 | Greenwood Kroger Store Expansion, Greenwood |
| (6) | 08-02-7(a)(b) | The Reserve Gardens Apartments, Evansville |
| (7) | 08-02-8 | Memorial Hospital Cardiac Center, Jasper |
| (8) | 08-02-9 | Memorial Hospital 2 nd Floor Build-out, Jasper |
| (9) | 08-02-10 | Westview Hospital Exterior Canopies, Indianapolis |
| (10) | 08-02-11 | Ivy Tech Complex – Marion Campus, Marion |
| (11) | 08-02-12 | King's Daughters' Hospital Renovation, Madison |
| (12) | 08-02-13 | Methodist Hospital Next Generation CT, Indianapolis |
| (13) | 08-02-15 | 501 North Walnut Street Apartments, Bloomington |
| (14) | 08-02-17 | 7 th and Washington Street Apartments, Bloomington |

- (15) 08-02-18 AllPoints Midwest Building 1 Expansion, Plainfield
- (16) 08-02-22(a) Ice Cream Specialties Freezer and Dock Addition, Lafayette
- (17) 08-02-23 Kenny Bernstein Racing, Brownsburg
- (18) 08-02-28 Wal-Mart Store #4230, Ft. Wayne
- (19) 08-02-29(a)(b) South Emerson Self Storage, Indianapolis
- (20) 08-02-36 Columbus Commons / Mall East Block Redevelopment, Columbus
- (21) 08-02-37 Meridian Title Office Build-out, Crown Point
- (22) 08-02-47 Wal-Mart Supercenter #4399, Elkhart

The following variances were heard separately:

- (23) 08-02-5 Cool Creek Village LLC, Carmel

No representative was present to speak as proponent. The request was to omit the code-required electric monitoring device and secure the system with a padlock. After discussion, Commissioner Christoffersen moved to deny with the second by Commissioner Jones. It was voted upon and carried.

- (24) 08-02-14(a)(b) Church of the Four Seasons, Crown Point

Melissa Tupper, RTM Consultants, spoke as proponent. The requests were to permit a lobby addition to an existing building without a fire separation wall and, due to the addition, allowing the church to be over area for construction type. She explained that the vestibule addition will provide the same amount of exiting, and that the addition is to make the lobby feel more open. She stated she knows of no plans for assembly use of the area. After discussion, Commissioner Hawkins moved to approve both variances. Commissioner Christoffersen made the second. It was voted upon and carried.

- (25) 08-02-16 IUSB Administration Building Remodeling, South Bend

Ed Rensink, RTM Consultants, spoke as proponent. The building is being renovated in phases over a period of three years. The request was to construct the corridors based on the areas being sprinklered, although the areas will not actually be sprinklered until the end of the fourth phase in 2011. After discussion, Commissioner Brenner moved to approve with a deadline of 12/31/11. The motion was seconded by Commissioner Cundiff, voted upon and carried.

- (26) 08-02-19 City Market Cooking Hood Exhaust System, Indianapolis

No one was present to speak as proponent. The staff had expressed some concerns regarding the slope of the exhaust duct. Commissioner Christoffersen moved to table to await further information on the system. The second was made by Commissioner Hawkins, voted upon and carried.

- (27) 08-02-20 (a)(b) Proposed Additions and Renovations to Morgan Township Schools, Valparaiso

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was a request to omit the separation of the dining room addition. The addition will be of non-combustible construction and the smoke detection system will be carried into the addition. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Jones. It was voted upon and carried. Variance (b) was a request to allow horizontal offsets in the firewall where doors are recessed. The offset will be of 2-hour construction, matching the firewall. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (28) 08-02-21 New Concord Junior High School, Elkhart

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow egress travel distance on the second floor to exceed that allowed by code. Of the 315 foot distance, 253 feet will be within a corridor. The corridors will be provided with sprinklers, smoke detection and a fire alarm system. After discussion, Commissioner Christoffersen moved to deny with the second by Commissioner Brenner. It was voted upon and carried.

- (29) 08-02-22(b)(c) Ice Cream Specialties Freezer and Dock Addition, Lafayette

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. A freezer addition will be for ice cream products. The request for variance (b) was to allow fire department access doors to be located every 200 feet with a Quell system instead of the ESFR system as required by code. Ron Richey, Lafayette Fire Department, also addressed the Commission. He stated the fire department had been working with the owners on this addition, and are requesting a manual dry standpipe be located in the freezer area. After discussion, Commissioner Christoffersen moved to approve both (b) and (c) with the condition for (b) that the standpipe be provided as requested by the fire department. The second was made by Commissioner Jones. It was voted upon and carried.

- (30) 08-02-24 Woodland Corporate VI, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the rungs of the ladder accessing the 4 foot deep elevator pit to be 4½" from the wall instead of the 7" required by code. Signs will be posted warning elevator personnel of the spacing difference. Commissioner Cundiff moved to approve with the second by Commissioner Corey. It was voted upon and carried.

- (31) 08-02-25 Taylor Street Oil House and Terminal Buildings, Ft. Wayne

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. General Electric has been downsizing their facilities in this area, and will be abandoning 2 buildings. The request was to allow the company to no longer maintain the sprinkler system in these buildings while leaving the piping in place. No heat or electricity will be provided in these buildings. Jim Murua, Ft. Wayne Fire Department, addressed the Commission, noting no objection to the request. After discussion, Commissioner Cundiff moved to approve and Commissioner Jones made the second. It was voted upon and carried.

- (32) 08-02-26 Bravo! Restaurant, Greenwood

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The restaurant addition will be part of an unlimited area building, and will cause the assembly area of the building to exceed the total amount of A-2 area allowed by code for an unlimited area building. The new addition will be sprinklered, will have exits directly to the outside, be separated by 2-hour fire barriers, and will be only 5% of the total building area. The local fire official does not object to the variance. After discussion, Commissioner Cundiff moved to approve. Commissioner Christoffersen made the second. It was voted upon and carried.

- (33) 08-02-27 Vaughn Equestrian Center, Culver

Ralph Gerdes, Ralph Gerdes Consultants, spoke as the proponent. The existing facility will be put into further non-compliance by the proposed addition. Demolition of 17,000 square feet of existing construction will be done before the 31,000 square foot steel framed addition is erected, leaving a net increase of 14,349 square feet. The addition will be protected by Ordinary Hazard 1 type sprinklers. After discussion, Commissioner Cundiff moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (34) 08-02-30 Roncalli High School Second Floor Classroom Addition, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. Alignment of the new stairway in the second floor addition with the existing stair caused problems when trying to enclose the stairway as required by code. The open lower level and first floor runs of stairs will have bulkheads and close spaced sprinklers, while the new level will be enclosed per code. Five classrooms will be served by the new stair, and meet travel distance requirements. After discussion, Commissioner Cundiff moved to approve while Commissioner Hawkins made the second. It was voted upon and carried.

- (35) 08-02-31 Roncalli High School

Tim Callas, J & T Consulting, spoke as proponent. The request was to allow the air-supported structure to have three fewer fire access doors than required by code. The Perry Township Fire Department had been consulted and declined the offer of marking the fabric walls to indicate where access to the interior may be gained by the responders. They felt the current number of openings in the existing structure are adequate for their needs. Personnel would not be sent into the structure to fight the fire but only to search for any occupants and clear the building. The structure would then be allowed to deflate before further actions would be taken. After discussion, Commissioner Cundiff moved to approve. The second was made by Commissioner Hawkins. It was voted upon and carried.

- (36) 08-02-32 Baekgaard LTD New Facility, Roanoke

Tim Callas, J & T Consulting, spoke as proponent. The request was to omit smoke vents and mechanical exhaust systems. The building will be protected by an ESFR system, and the proposed 2007 Indiana Fire Code does not require these vents and exhausts where an ESFR system is in place. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (37) 08-02-33 Dancin' Bears, Mooresville

Tim Callas, J & T Consultants, spoke as proponent. The owner of the bar had leased the adjacent space in the strip mall and had removed a wall to join the areas. He was told this was not allowed. He would like to install cased openings without doors in the 2-hour wall. Darryl Brown of the Mooresville Fire Department addressed the Commission in opposition to the variance. He noted that, while the area is served by hydrants, the nearest is over 100 feet away. After discussion, Commissioner Brenner moved to table. The second was made by Commissioner Cundiff. It was voted upon and carried.

(38) 08-02-34 Sheline Garage New Construction, Griffith

Timothy Sheline, owner, spoke as proponent. The request was to allow a private home garage footing to be set at a non-compliant depth. A letter from a professional engineer who had inspected the garage floor was included in the application. After discussion, Commissioner Christoffersen moved to approve and Commissioner Brenner made the second. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:30 a.m. He then reconvened the meeting, calling it back to order at 10:47 a.m.

(39) 08-02-35 Portage YMCA, Portage

No representative appeared to speak as proponent. Questions concerning the single exit to the exterior and the request to omit the sprinkler system could not be answered by reference to just the application. Therefore, Commissioner Christoffersen moved to table for 30 days, with the second by Commissioner Jones. It was voted upon and carried.

- (40) 08-02-38 Pizza Hut Wing Street Program, Goshen
- (41) 08-02-39 Pizza Hut Wing Street Program Cassopolis Street, Elkhart
- (42) 08-02-40 Pizza Hut Wing Street Program Concord Mall, Elkhart
- (43) 08-02-41 Pizza Hut Wing Street Program Nappanee Street, Elkhart
- (44) 08-02-42 Pizza Hut Wing Street Program, Nappanee
- (44) 08-02-43 Pizza Hut Wing Street Program, Mishawaka
- (45) 08-02-44 Pizza Hut Wing Street Program, South Bend

Mike Bruns, Pizza Hut, and Tim Kelley, Giles Foodservice Equipment, spoke as proponents. The request was to allow a ventless, recirculating hood system with an Ansul system for use with a single product due to space limitations in existing stores cooking areas, saying it meets the 2006 Mechanical Code. The systems are UL listed. It was brought to the Commission's attention that the Indiana code requires a type K fire extinguisher for cooking oil fires, and the extinguisher listed as supplied with this hood system was type B. Commissioner Christoffersen moved to approve with the condition the type K fire extinguishers be required at installation. The second was made by Commissioner Jones. It was voted upon and carried.

(46) 08-02-45 Display Fireworks Storage, Kingsbury

Doug Buell, Cattail Design, spoke as proponent. The request is to omit the required sprinkler system in an H occupancy building used for storage of display fireworks. The warehouse sits in the center of a 37 acre plot of land in a block building which had been used for munitions manufacturing during World War Two. Water for a sprinkler system is not accessible, and the closest structure is over 300 feet away. After

discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

(47) 08-02-46(a)(b)(c) Brazil Public Library, Brazil

Melissa Tupper, RTM Consultants, spoke as proponent. Variance (a) was to allow the 24" thick limestone exterior wall of the existing building to act as a 2-hour fire wall which will not be structurally independent. The roof, deck and shingles connect both existing and new construction. Variance (b) was to allow the exterior wall which will serve as a 2-hour fire wall to not extend the code-required 18 inches above the roof. Shelley Wakefield, Director of Fire and Building Code Enforcement, spoke to the Commission in favor of the variances. She noted it was as close to meeting code that they could possibly come in the renovation of a Carnegie library. After discussion, Commissioner Cundiff moved to approve both variance (a) and (b) with the second by Commissioner Hawkins. It was voted upon and carried. Variance (c) was a request to permit an unenclosed stair. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

(48) 08-02-48 Indiana Live Casino (Temporary Facility), Shelbyville

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the building to be over area for the construction type. The building will be sprinklered to Ordinary Hazard Group 1 instead of the required Light Hazard, have an increased number of exits, additional fire hydrants, and an exit travel distance of 125 feet. The building will be constantly monitored, and stands 200 feet away from the closest structure. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

6. **New Business – General.**

Discussion and Possible Action

Castleview Baptist Church
Administrative Cause No. 07-01
Order – Elevator and Amusement Division
Nonfinal Order of Dismissal

Guilford Road Condominiums
Administrative Cause No. 07-12
Appeal of Plan Review Order
Nonfinal Order of Dismissal

Sunset Grille
Administrative Cause No. 07-11
Order – Goshen Fire Department
Nonfinal Order of Dismissal

Indianapolis Welding Supply

Administrative Cause No. 08-08
Order – Indianapolis Fire Department
Nonfinal Order of Dismissal

Commissioner Hawkins moved to affirm the Nonfinal Orders of the Administrative Law Judge. Commissioner Cundiff made the second. It was voted upon and carried.

Outlook Cove and LaPorte County Health Department
Administrative Cause No. 07-31
Appeal of Variance
Nonfinal Order of Dismissal

After a presentation by Judge William Teegarden, it was determined by the members of the Commission that the variance originally filed should stand. Commissioner Cundiff moved to affirm the Nonfinal Order of Dismissal, and Commissioner Christoffersen made the second. It was voted upon and carried. Mara Snyder, Director of Code and Legal Services, was directed by the Commission to determine if the conditions of the variance are being met and, if not, to speak with Deputy Attorney General James Schmidt to determine the next step.

Courier Kendallville Addition
Administrative Cause No. 06-06
Condition of Variance
Remand to Commission

After a presentation by Judge William Teegarden, it was determined that the variance should be modified. Commissioner Hawkins then moved to remove the condition of no rack storage along the easement exterior wall from variance #05-12-45 and to dismiss the appeal. Commissioner Jones made the second. It was voted upon and carried.

Airwest II
Administrative Cause No. 07-37
Denial of Variance
Remand to Commission

After a presentation by Judge William Teegarden, the original motion on variance 07-10-2 was reviewed. A motion to approve with the condition that a defined exit path through the truck docks under the canopies to the exit discharge by the way of ground paint striping be created and maintained and to dismiss the appeal was made by Commissioner Cundiff and seconded by Commissioner Jones. It was voted upon and carried.

First Advantage
Administrative Cause No. 07-33
Denial of Variance
Remand to the Commission

After a presentation by Judge William Teegarden, a motion to remove the condition of a clear exit route was made and to approve variance (a) with the condition that sprinklers be installed to wash both sides of the door was made by Commissioner Cundiff. Variance (b) was also approved when it was determined that it was not a required exit. Commissioner Jones made the second. It was voted upon and carried.

Creston Middle School
Administrative Cause No. 08-07
Condition of Variance
Remand to Commission

After a presentation by Judge William Teeguarden, a motion to remove the condition from variance 07-12-26 was made by Commissioner Brenner to allow the removal of standpipes as well as the hoses and to dismiss the appeal. It was seconded by Commissioner Cundiff, voted upon, and carried.

Discussion and Commission Action On Petitions For Review (All are timely field unless otherwise noted.)

Arthur Charles Auto Restoration, Project #330510
CDR Item 3B0302B, 3B0706B

Shipshewana Water Park
Order – LaGrange County Building Department

Orleans Elementary School
Order – Fire and Building Code Enforcement

Commissioner Christoffersen moved to approve the petitions for review. Commissioner Corey made the second. It was voted upon and carried.

7. **Requested reconsideration of Variances #06-05-48 and #06-11-33.**

Al Putnam, Building Official for the City of Greendale, presented a request to the Commission to review variances granted to Alternative Plastics, located in Greendale, Indiana. Noting they were to have sprinklered the first and second floors of the building, Mr. Putnam contended that they have not fulfilled the conditions of the variances and are still operating in a non-compliant building. Christina Collester, RTM Consultants, spoke as representative for Alternative Plastics. She acknowledged that the building had not complied with the variances, and that, in fact, they wanted to sprinkle only the first floor of the building and would need a new variance application. After discussion, Commissioner Hawkins moved to revoke variance 06-05-48. Commissioner Jones made the second. It was voted upon and carried.

8. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 12:11 p.m. He then reconvened the meeting, calling it back to order at 12:27 p.m.

9. **Presentation by the Indiana State ADA Steering Committee.**

A presentation was to have been made by a member of the Indiana State ADA Steering Committee to the members of the Commission concerning the Accessibility Code. The presenter was unable to attend and was rescheduled for the March meeting.

10. **Comments.**

Mara Snyder, Director, Code and Legal Services, had no comments.

11. **Adjournment.**

Chairman Hannum called for further business. There being none, he adjourned the meeting at 12:28 p.m.

APPROVED

Howard Cundiff, Vice-Chairman